

1978 WL 34951 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 20, 1978

*1 Col. James R. Woods
Director
The Citadel
Charleston, SC 29409

Dear Col. Woods:

You have recently asked the opinion of this Office as to whether a state legislator is 'another state employee' within the meaning of the Citadel's Employee Grievance and Appeal Procedure.

The Procedure makes two pertinent references to state employee. They are:

He may also be accompanied to the first step hearing by another state employee of his own choosing (Paragraph 2).

When presenting an appeal [from the first conference hearing—added], the employee may, if he so desires, be accompanied by a state employee of his own choosing either from his own agency or from another agency.

The word 'employee' has no fixed meaning which must control in every instance, and it is not a word of art, but takes color from its surroundings and frequently is carefully defined by the statute where it appears. 30 C.J.S. 672. There is no controlling definition of 'employee' by state law in this context.

The Citadel's grievance procedure was mandated by § 8-17-10 of the 1976 Code of Laws. This intra-agency procedure was designed to quickly and effectively hear employee grievances in a very informal atmosphere. The grieving party is offered the opportunity to bring a employee 'from his agency or another agency' to the appeal from the initial conference outlined in Step 1 of the Procedure. The Citadel's Procedure did not contemplate two meanings of 'state employee' in its grievance procedure.

It is the opinion of this office that a state legislator is not a 'state employee' within the context of the Citadel's Employee Grievance and Appeal Procedure. The only person who can accompany a grieving party under your Procedure is another state employee from the employee's own agency or from another agency.

Respectfully submitted,

Frank H. DuRant
Assistant Attorney General

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